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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/505,155

02/28/2005

Jacobus Antonius Loontjens

4662-289

5708

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7590

05/18/2007

NIXON & VANDERHYE, PC

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EXAMINER

GILLESPIE, BENJAMIN

ART UNIT

PAPER NUMBER

1711

MAIL DATE

DELIVERY MODE

05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/505,155

Applicant(s)

LOONTJENS ET AL.

Examiner

Benjamin J. Gillespie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Note

1. The after final amendment filed 4/23/2007 has been entered and prosecution is reopened.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mumcu et al ('361). Mumcu et al teach a process for increasing the molecular weight of polyamides by reacting amino functional polyamides with caprolactam blocked diisocyanates, wherein the diisocyanate is present relative to the polyamide in an amount that coincides with applicants' claimed range (Example 1). Although not explicitly specified, the molecular weight of the polyester composition would inherently increase once reacted with the diisocyanate compounds.
3. Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sagawa et al ('670). Sagawa et al teach a process for increasing the molecular weight of hydroxyl-functional polyester by reacting hydroxyl-functional polyester with blocked diisocyanate, wherein the blocking agents are the same as those of claim 1 (Col 2 lines 34-42; col 3 lines 25-31). The hydroxyl-functional polyester and blocked diisocyanate are melt-mixed in an extruder (Col 5 lines 12-17). Although not explicitly specified, the molecular weight of the polyester composition would inherently increase once reacted with the diisocyanate compounds.
4. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Gras ('067). Gras teach a process for increasing the molecular weight of hydroxyl-functional polyesters by

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reacting hydroxyl-functional polyesters with caprolactam-blocked diisocyanate (Abstract; col 1 lines 35-36). Although not explicitly specified, the molecular weight of the polyester composition would inherently increase once reacted with the diisocyanate compounds.

5. Claim 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Brinkman ('900). Brinkmann discloses a process for increasing the molecular weight of polyesters by reacting hydroxyl-functional polyesters with oxime-blocked diisocyanates (Col 3 lines 60-68; col 4 lines 1-4). The hydroxyl-functional polyester and blocked diisocyanate are melt-mixed in an extruder (Col 6 lines 11-14). Although not explicitly specified, the molecular weight of the polyester composition would inherently increase once reacted with the diisocyanate compounds.

6. Claim 1, 3-4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Witzeman et al ('646). Witzeman et al teach a process for increasing the molecular weight of polyesters by reacting hydroxyl functional polyester with a caprolactam-blocked diisocyanate, wherein the diisocyanate and diol are melt-mixed in a twin screw extruder (Abstract; and col 6 lines 19-21). Although not explicitly specified, the molecular weight of the polyester composition would inherently increase once reacted with the diisocyanate compounds.

Response to Arguments and Amendments

7. Applicant's arguments, filed 4/25/2007 with respect to the rejection of claims 1-4 under 35 U.S.C. 102 (b) have been fully considered but are moot in view of the new ground(s) of rejection. Furthermore, the affidavits filed by Antonius Jacobus Loontjens and Bartholomeus Johannes Margrethan Plum have been fully considered but are also moot in view of the new grounds of rejection.

Conclusion


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin J. Gillespie whose telephone number is 571-272-2472.

The examiner can normally be reached on 8am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Gillespie


RABON SERGENT
PRIMARY EXAMINER